

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SIERRA CLUB, INC.;  
SURFRIDER FOUNDATION, INC.;  
HEAL THE BAY, INC.; AND  
BAYKEEPER, INC.; each a California  
Nonprofit,

Plaintiffs,

vs.  
EXXONMOBIL CORPORATION, a New  
Jersey Corporation, and DOES 1-10,

Defendants.

Case No. CV 24-7288 RS  
(Related to: Case No. CV 24-7954 RS)

[PROPOSED] ORDER REMANDING  
ACTION

Judge: Hon. Richard Seeborg

Place: Philip Burton Federal Building  
450 Golden Gate Avenue  
San Francisco, California 94102  
Courtroom 3, 17th Floor

Date: February 13, 2025

Time: 1:30 p.m.

1 Having reviewed and considered the moving and opposition papers, arguments, and all other  
2 matters presented to the Court, IT IS HEREBY ORDERED that this action is remanded to Superior  
3 Court of California, County of San Francisco, 400 McAllister St., San Francisco, CA 94102.

4 With respect to ExxonMobil's contentions that the Court has subject matter jurisdiction over  
5 this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1332(d), 28 U.S.C. § 1333, and 28 U.S.C.  
6 1442(a), this action is remanded for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c)  
7 ("if at any time before final judgment it appears that the district court lacks subject matter jurisdiction,  
8 the case shall be remanded").

9 Under the principles articulated in *Younger v. Harris*, 401 U.S. 37 (1971), preserving respect  
10 for state functions such that the national government protects federal rights and interests in a way that  
11 will not unduly interfere with the legitimate activities of the States, the Court remands this action to  
12 state court.

13 Alternatively, under the principles articulated in *Colorado River Water Conservation Dist. v.*  
14 *United States*, 424 U.S. 800 (1976), in light of considerations of wise judicial administration, giving  
15 regard to conservation of judicial resources and comprehensive disposition of litigation, the Court  
16 remands this action to state court.

17  
18 IT IS SO ORDERED.

19 Dated: \_\_\_\_\_

21 RICHARD SEEBORG  
22 United States District Judge  
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